

REMARKS

Claims 11-15, 21-38, and 45-46 have been cancelled. Claims 1-6, 16-20, 39, and 43-44 have been amended to clarify the subject matter regarded as the invention. Claims 1-10, 16-20, and 39-44 are pending.

The Examiner has rejected claims 1-10 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over Ausubel (U.S. Patent No. 6,026,383) in view of Rackson (U.S. Patent No. 6,415,270) and in further view of Nemzow (U.S. Patent No. 6,721,715).

With respect to claim 1, as amended, Claim 1 recites that “the characteristic of the auction item of the first type is associated with the quality of the item of the first type.” Support for the amendment can be found, without limitation, in the paragraph beginning on page 15 at line 25. None of Ausubel, Rackson, and Nemzow, taken alone or in combination, recite “transforming, using a characteristic of an auction item of a first type, said selected price value into a first bidder comparative bid parameter value … wherein the characteristic of the auction item of the first type is associated with the quality of the item of the first type” as recited in Claim 1. Claim 1 is therefore believed to be allowable.

Claims 2-5 depend from Claim 1 and are believed to be allowable for the same reasons described above.

As with Claim 1, Claim 6 also recites that “the characteristic of the auction item of the first type is associated with the quality of the item of the first type.” It is therefore believed that Claim 6 is allowable for the same reasons described above.

Claims 7-10 depend from Claim 6 and are believed to be allowable for the same reasons described above.

As with Claim 1, Claim 16 also recites that “the characteristic of the auction item of the first type is associated with the quality of the item of the first type.” It is therefore believed that Claim 16 is allowable for the same reasons described above.

Claims 17-20 depend from Claim 16 and are believed to be allowable for the same reasons described above.

The Examiner has rejected claims 39-44 under 35 U.S.C. § 103(a) as being unpatentable over Ausubel, in view of Rackson, and further in view of Harrington (U.S. Patent No. 6,161,099). That rejection is respectfully traversed.

With respect to claim 39, neither Ausubel nor Rackson teach “sequentially transmitting information reflective of [a] sequence of bid values to said set of potential bidders, wherein in the absence of an acceptance of posted price by a bidder in said set of potential bidders, said transmitting continues until said second bid value is reached” and “sequentially transmitting to [an] individual bidder, in the absence of an acceptance of a posted price by said individual bidder, information reflective of said sequence of bid values up until said third value is reached” as recited in Claim 39.

Harrington describes “accepting one or more of the submitted bids; and displaying the current best bid while the auction is in process. Information in addition to the current best bid which may be displayed includes the identity of the bidder, showing the status of a plurality of bidders, or showing a no-bid status on a portion of the financial instrument.” (Harrington, 4:34-46.) Harrington’s electronic bid calculation sheet “is adapted to selectively display the bidder’s last submitted bid without disturbing proposed bid information on the spreadsheet.” (Harrington, 5:1-10.)

Thus, Harrington describes an auction environment in which multiple bids are submitted, and a “current best bid” is submitted, accepted, and displayed to all bidders, with several “current best bids” displayed over time as the auction progresses. Harrington does not describe Dutch auctions in which in the absence of an acceptance of a posted price transmissions continue. Indeed, Harrington distinguishes its teaching from Dutch auctions in the background as follows:

Yet other types of auctions differ from the foregoing in that offers to sell may be made by the auctioneer in decreasing price increments, *the first buyer to accept a bid being the winner*. This type of auction is also known as a “Dutch flower auction.” (Harrington, 1:42-47, emphasis added.)

Therefore, contrary to the Examiner’s suggestion, Harrington does not recite “sequentially transmitting information reflective of [a] sequence of bid values to said set of

potential bidders, wherein in the absence of an acceptance of posted price by a bidder in said set of potential bidders, said transmitting continues until said second bid value is reached" and "sequentially transmitting to [an] individual bidder, in the absence of an acceptance of a posted price by said individual bidder, information reflective of said sequence of bid values up until said third value is reached" as recited in Claim 39 and Claim 39 is therefore believed to be allowable.

Claim 40 depends from Claim 39 and is believed to be allowable for the same reasons described above.

Claim 41 recites limitations similar to Claim 39 and is believed to be allowable for the same reasons described above.

Claim 42 depends from Claim 41 and is believed to be allowable for the same reasons described above.

Claim 43 recites limitations similar to Claim 39 and is believed to be allowable for the same reasons described above.

Claim 44 depends from Claim 43 and is believed to be allowable for the same reasons described above.

The foregoing amendments are not to be taken as an admission of unpatentability of any of the claims prior to the amendments.

Reconsideration of the application and allowance of all claims are respectfully requested based on the preceding remarks. If at any time the Examiner believes that an interview would be helpful, please contact the undersigned.

Respectfully submitted,

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